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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/626,665	07/25/2003	Julien Gonzalez	ICB0150	1820

24203 7590 06/01/2005

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EXAMINER

HINZE, LEO T

ART UNIT PAPER NUMBER

2854

DATE MAILED: 06/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

2/c

Office Action Summary	Application No. 10/626,665	Applicant(s) GONZALEZ, JULIEN	
	Examiner Leo T. Hinze	Art Unit 2854	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 July 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>20031024</u> . | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2854

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-4, 7, 8, 11-13, 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burkhardt et al., DE 199 11 008 A1 (Burkhardt) in view of Svast, US 5,199,009 (Svast). References to Burkhardt are based on the description of Burkhardt contained in the instant specification.

a. Regarding claim 1:

Burkhardt teaches an electronic timepiece wherein it includes: a time base for delivering a first time-related piece of information; first indicator means (107, 108, 109, Fig. 1) for said first time-related piece of information; non time-related indications/symbols (dates on dial 104, Fig. 1) of the same nature relating to a plurality of scheduled events, connected to each other; second indicator means (110, Fig. 1) capable of designating non time-related indications/symbols relating to one or more events occurring from among said plurality of scheduled events, a control circuit including storage means in which data is stored relating to the scheduling of said plurality of events and comparison means for comparing said stored data with a time-related piece of

Art Unit: 2854

information, said control circuit activating said second indicator means in response to a control signal from said comparison means (p. 1, ll. 27-33).

Burkhardt does not teach second indicator means capable of simultaneously designating several non time-related indications/symbols. A person having ordinary skill in the art would recognize that Burkhardt has some shortcomings: the ability to only designate one non time-related symbol, and limited applicability based on the fact that the data printed on the watch face is only applicable to the specific schedule of events printed.

Svast teaches a reminder clock that uses LED or LCD (col. 5, l. 32) indicators (see generally Fig. 2) to indicate reminders of times of specific events (col. 1, l. 65 through col. 2, l. 42).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify Burkhardt to replace the indicator 110 with a series of LED or LCD indicators such as in Svast, because a person having ordinary skill in the art would recognize that using LED or LCD indicators would allow greater flexibility when indicating scheduled events, and would eliminate the shortcoming of Burkhardt that only allows one scheduled event to be indicated.

b. Regarding claim 2, the combination of Burkhardt and Svast teaches all that is claimed as discussed in the rejection of claim 1 above. Svast also teaches wherein said indicator means are formed by a plurality of fixed indicators each corresponding to one of said non time-related indications/symbols (see generally Fig. 2).

Art Unit: 2854

c. Regarding claim 3, the combination of Burkhardt and Svast teaches all that is claimed as discussed in the rejection of claim 2 above. Svast also teaches wherein said non time-related indications/symbols are arranged at the periphery of the dial and in that said fixed indicators are light emitting diodes (col. 4, ll. 3-4) arranged in a ring facing said indications/symbols (see generally Fig. 2).

d. Regarding claim 4, the combination of Burkhardt and Svast teaches all that is claimed as discussed in the rejection of claim 2 above. Svast also teaches wherein said non time-related indications/symbols are arranged at the periphery of the dial and in that said fixed indications are formed by a liquid crystal cell (col. 4, ll. 3-4) including a plurality of segments arranged in a ring above said indications/symbols (see generally Fig. 2).

e. Regarding claim 7, the combination of Burkhardt and Svast teaches all that is claimed as discussed in the rejection of claim 1 above. Svast also teaches wherein said time base delivers a second universal time-related piece of information, and in that said plurality of events is scheduled as a function of this second time-related piece of information (microprocessor controller 12 is capable of delivering more than one time-related piece of information).

f. Regarding claim 8 the combination of Burkhardt and Svast teaches all that is claimed as discussed in the rejection of claim 7 above. Svast also teaches warning means to alert a user that one or several events from among said plurality of scheduled events are starting ("visual and/or audio reminder alarms," col. 2, ll. 1-2).

g. Regarding claim 11 the combination of Burkhardt and Svast teaches all that is claimed as discussed in the rejection of claim 1 above. Burkhardt also teaches control members for

Art Unit: 2854

activating said second indicator means corresponding to one or more events in progress from among said plurality of scheduled events (control members are inherent in Burkhardt, because indicator 110 is obviously controlled to indicate the desired scheduled event).

h. Regarding claim 12 the combination of Burkhardt and Svast teaches all that is claimed as discussed in the rejection of claim 11 above. Burkhardt also teaches a continuous operating mode during which said second indicator means corresponding to one or more events in progress from among said plurality of events are activated and deactivated automatically, respectively at the beginning or at the end of each event (control member in Burkhardt, automatically activates indicator 110 at the beginning of each event).

i. Regarding claim 13 the combination of Burkhardt and Svast teaches all that is claimed as discussed in the rejection of claim 1 above. Svast also teaches countdown means for indicating the time remaining until an event (countdown indicator 117, Fig. 5).

j. Regarding claim 15 the combination of Burkhardt and Svast teaches all that is claimed as discussed in the rejection of claim 7 above. Burkhardt also teaches control members for activating said second indicator means corresponding to one or more events in progress from among said plurality of scheduled events (control members are inherent in Burkhardt, because indicator 110 is obviously controlled to indicate the desired scheduled event).

k. Regarding claim 16 the combination of Burkhardt and Svast teaches all that is claimed as discussed in the rejection of claim 7 above. Svast also teaches countdown means for indicating the time remaining until an event (countdown indicator 117, Fig. 5).

Art Unit: 2854

3. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Burkhardt in view of Svast as applied to claim 2 above, and further in view of Dinger, US 6,272,076 (Dinger).

The combination of Burkhardt and Svast teaches all that is claimed as discussed in the rejection of claim 2 above, including in that said fixed indicators are light emitting diodes arranged in a ring facing said indications/symbols.

The combination of Burkhardt and Svast does not teach wherein said non time-related indications/symbols are arranged on a removable bezel. A person having ordinary skill in the art would recognize that Burkhardt has some shortcomings: the ability to only designate one non time-related symbol, and limited applicability based on the fact that the data printed on the watch face is only applicable to the specific schedule of events printed.

Dinger teaches a watch (Fig. 2) with a removable bezel, wherein the bezel has various characters printed or engraved upon it ("replace bezel 23," col. 7, l. 45).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to further modify Burkhardt to include a removable bezel, because a person having ordinary skill in the art would recognize that a removable bezel would eliminate one of the shortcomings of Burkhardt, and allow the user to use the watch for new scheduled events.

4. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Burkhardt in view of Svast as applied to claim 1 above, and further in view of Matsumoto, US 5,892,455 (Matsumoto).

The combination of Burkhardt and Svast teaches all that is claimed as discussed in the rejection of claim 1 above, including wherein said non time-related indications/symbols are

Art Unit: 2854

arranged at the periphery of the dial and in that said second indicator means are formed by a liquid crystal cell.

The combination of Burkhardt and Svast does not teach a liquid crystal cell arranged above the dial, capable of masking or leaving visible each of said indications/symbols.

Matsumoto teaches a watch with a liquid crystal display (8, Fig. 6(a)) over indicators and symbols, wherein the LCD display can be controlled to mask the indicators below (compare Fig. 6(a) with Fig. 7(a)).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to further modify Burkhardt to include a liquid crystal cell arranged above the dial, capable of masking or leaving visible each of said indications/symbols, because a person having ordinary skill in the art would recognize that such an LCD would be an effective way to indicate to a user that the time for a scheduled event has passed, and the event is in the past.

5. Claims 9, 10 and 14 are is rejected under 35 U.S.C. 103(a) as being unpatentable over Burkhardt in view of Svast as applied to claims 1 and 7 above, and further in view of Narayanaswami, US 6,556,222 (Narayanaswami).

a. Regarding claims 9 and 14:

The combination of Burkhardt and Svast teaches all that is claimed as discussed in the rejection of claims 1 and 7 above, excluding means for receiving external signals for loading said data relating to the scheduling of said plurality of events. A person having ordinary skill in the art would recognize that Burkhardt has some shortcomings, such as indication only of scheduled

Art Unit: 2854

events that are pre-programmed into the watch due to a lack of ability to update the watch with a new schedule.

Narayanaswami teaches a smart watch capable of wirelessly accessing information (col. 2, ll. 53-57), including updating calendar events (col. 7, l. 9).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to further modify Burkhardt to include means for receiving external signals for loading said data relating to the scheduling of said plurality of events, because a person having ordinary skill in the art would recognize that this capability would extend the utility of the device by allowing it to receive information about scheduled events that were not previously programmed into the watch.

b. Regarding claim 10, the combination of Burkhardt, Svast and Narayanaswami teaches all that is claimed as discussed in the rejection of claim 9 above. Narayanaswami also teaches wherein said reception means are means for receiving modulated acoustic signals ("enable acoustic coupling," col. 4, ll. 58-59).

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Pennington, US 6,414,907, teaches an athletic event schedule watch that includes much of the functionality of the instant application, but in a purely digital watch form, and excluding a receiver to update schedule information.


Art Unit: 2854

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leo T. Hinze whose telephone number is (571) 272-2167. The examiner can normally be reached on M-F 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld can be reached on (571) 272-2168. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Leo T. Hinze
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27 May 2005



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